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VIA ECF

Honorable Judge Henry B. Pitman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Perez Garcia et al v. Hirakegoma Inc. et al;
17-cv-07608-HBP

Dear Judge Pitman:

We represent Plaintiff in the above-referenced matter. We write to provide clarification on *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d. Cir. 2015) and whether or not the Parties are required to submit a consent judgment to the Court for approval.

It is Plaintiff's understanding that Cheeks would require approval by the Court of the Parties' agreement. "Thus, Rule 41(a)(1)(A)(ii) stipulated dismissals settling FLSA claims with prejudice require the approval of the district court or the DOL to take effect. Requiring judicial or DOL approval of such settlements is consistent with what both the Supreme Court and our Court have long recognized as the FLSA's underlying purpose.." *Cheeks*, 796 F.3d at 206.

Because the Parties have agreed to settle the case by way of a reduced consent judgment in exchange for dismissal with prejudice in lieu of a trial, Plaintiff believes the agreement must be approved by the Court. Plaintiff therefore respectfully requests thirty (30) days to submit to Your Honor the proposed agreement and fairness materials.

We thank the Court for its time and attention in this matter.

Respectfully Submitted,

/s/Haleigh Amant
Haleigh Amant